

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMINA, LLC, as owner of the vessel, *M/V PAMINA* (Official Number 1143720), BRIAN PICKERING and LAURIE PICKERING, as sole members of PAMINA, LLC, and MARKEL AMERICAN INSURANCE COMPANY, as subrogee of Pamina, LLC, Brian Pickering and Laurie Pickering,

Third-Party Plaintiffs,

v.

DELTA MARINE INDUSTRIES, INC., N C MACHINERY CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC.,

Third-Party Defendants.

IN ADMIRALTY

No. 2:22-cv-01679-BJR

STIPULATION AND ORDER TO
SUBSTITUTE N C POWER
SYSTEMS CO. FOR N C
MACHINERY CO. AS THIRD-
PARTY DEFENDANT AND TO
AMEND CAPTION

IN RE: COMPLAINT AND PETITION OF
PAMINA, LLC, as owner of the vessel,
PAMINA, FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

STIPULATION

1. On March 1, 2023, Third-party Plaintiffs Pamina, LLC, Brian Pickering, Laura Pickering and Markel American Insurance Company filed their Third-Party Complaint against Delta Marine Industries, Inc., N C Machinery Co., Glendinning Products, LLC and Dockmate Inc. for alleged damages arising from a multi-vessel collision involving the M/V PAMINA on May 28,

CERTIFICATE OF SERVICE
(No. 2:22-cv-01679-BJR)

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: +1.206.359.8000
Fax: +1.206.359.9000

2022. The Third-Party Complaint alleges that work performed on the M/V PAMINA by the third-party defendants caused the collisions.

2. The Third-Party Complaint alleges that Third-Party Defendant N C Machinery Co. conducted service work on the vessel prior to the collision. N C Machinery Co., however, represents that it did not perform service work on the M/V PAMINA, but rather any such work was performed by an affiliated but separate corporate entity, N C Power Systems Co.

3. All Third-Party Plaintiffs, and all Third-Party Defendants that have appeared in this action, stipulate and agree that N C Power Systems Co. should be substituted in place of N C Machinery Co. and all claims against N C Machinery Co. should be considered made against N C Power Systems Co.

4. N C Machinery Co. shall cease to be a party to this action without prejudice to any the Third-Party Plaintiffs ability to re-file their complaint against N C Machinery Co.

5. During the pendency of this action, N C Machinery Co. shall also toll the statute of limitations as to any Third-Party Plaintiffs' claims in this action, and is willing to accept service of a complaint against N C Machinery Co. in the future, and appropriately respond to the complaint in this action without raising the statute of limitations as a defense and/or as a basis for a motion to dismiss. This tolling agreement expires at the conclusion of these third-party proceedings brought by the Third-Party Plaintiffs' against the Third-Party Defendants in this action.

6. The docket and the case caption shall be updated to reflect the substitution of N C Power Systems Co. as Third-Party Defendant in place of N C Machinery Co.

STIPULATION AND ORDER
(No. 2:22-cv-01679-BJR) –2

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: +1.206.359.8000
Fax: +1.206.359.9000

161774164.1
161774164.3
161774164.5
161774164.6

1 Dated: April 19, 2023

2 By: s/ Todd W. Rosencrans

3 Todd W. Rosencrans, Bar No. 26551

4 **Perkins Coie LLP**

5 1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099

6 Telephone: +1.206.359.8000

Facsimile: +1.206.359.9000

7 TRosencrans@perkinscoie.com

8 *Attorneys for Third-Party Defendant N C
Machinery Co. and for substituted Third-Party
Defendant N C Power Systems Co.*

10 Dated: April 19, 2023

11 By: s/ William J. Dow

12 Francis S. Floyd

13 William J. Dow

14 **Floyd Pflueger & Ringer PS**

15 3101 Western Ave., Suite 400
Seattle, Washington 98121-3017

16 Telephone: +1.206.441.4455

Facsimile: +1.206.441.8484

ffloyd@floyd-ringer.com

wdow@floyd-ringer.com

17 *Attorneys for Third-Party Defendants
Glendinning Products, LLC*

26 STIPULATION AND ORDER
(No. 2:22-cv-01679-BJR) –3

Dated: April 19, 2023

By: s/ Jonathan W. Thames

Jonathan W. Thames, CA Bar No. 31060

Brad Pace, CA Bar No. 302510

Pro Hac Vice application forthcoming

Kennedys CMK LLP

455 Market St., Suite 1900

San Francisco, California 94105

Telephone: +1.415.323.4460

Facsimile: +1.415.323.4445

jonathan.thames@kennedyslaw.com

brad.pace@kennedyslaw.com

*Attorneys for Pamina, LLC, as owner of the
M/V Pamina, and Markel American Insurance
Company*

Dated: April 19, 2023

By: s/ Thomas George Waller

Thomas George Waller

Bauer Moynihan & Johnson

2101 4th Ave, Suite 2400

Seattle, Washington 98121-2320

Telephone: +1.206.443-3400

Facsimile: +1.206.448-9076

tgwaller@bmjlaw.com

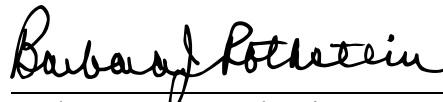
*Attorneys for Third-Party Defendants Delta
Marine Industries, Inc.*

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: +1.206.359.8000
Fax: +1.206.359.9000

ORDER

Based on the foregoing stipulation it is HEREBY ORDERED, that (1) N C Power Systems Co. is substituted as Third-Party Defendants in place of N C Machinery Co.; (2) all claims against N C Machinery Co. are now made against N C Power Systems Co.; (3) N C Machinery Co. shall cease to be a party to this action and is dismissed without prejudice; and (4) the docket and the case caption shall be updated to reflect the substitution of N C Power Systems Co. as Third-Party Defendant in place of N C Machinery Co.

DATED this 25th day of April, 2023.



Barbara Jacobs Rothstein
U.S. District Court Judge

STIPULATION AND ORDER
(No. 2:22-cv-01679-BJR) —4

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: +1.206.359.8000
Fax: +1.206.359.9000

161774164.1
161774164.3
161774164.5
161774164.6